	Agency Name	Department of Social Services (DSS)
	Chapter No./Name	DSS Policy Manual
	Part No./Name	2/Civil Rights
	Section No./Name	2-04/Reasonable Accommodation
	Document No./Name	2-04/Reasonable Accommodation
	Effective Date	July 11, 2008

I. STATEMENT OF POLICY

The Department of Social Services (DSS) will comply with the requirements of all applicable federal and state laws, regulations, and guidelines including Section 504 of the Rehabilitation Act of 1973, as amended (Part 84 of Title 45 of the Code of Federal Regulations) which prohibits discrimination on the basis of disability in any program or activity receiving federal financial assistance. DSS will also comply with the Americans with Disabilities Act of 1990 (ADA) which requires employers to consider whether reasonable accommodations could remove the barrier to employment opportunities for the disabled. Employment opportunities shall not be denied because of the need to make reasonable accommodations to an individual's disability. DSS will assure that all individuals contracting with the agency to provide services also comply with Section 504 and the ADA.

II. STATEMENT OF PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations for the known physical and mental limitations of otherwise qualified applicants and employees with disabilities, unless the department can demonstrate that the accommodation would impose an undue hardship on the operation of its program.

This policy shall cover all employees and applicants for employment within DSS.

III. DEFINITIONS

Agency – Department of Social Services (DSS).


Auxiliary aids – May include, but are not limited to, interpreters, Braille and taped materials, telecommunications devices for the deaf, flash cards, etc.

Essential Functions – the fundamental duties of the job.

Federal financial assistance – Any grant, loan, contract (except procurement or contracts of insurance or guaranty) funds, services of federal personnel, real property, or personal property received from the federal government.

Person with a disability – Any person who has a physical or mental impairment that substantially limits a major life activity (such as self-care, manual tasks, walking, hearing, seeing, speaking, breathing, learning, and working); any person who has a history of such impairment; any person who is regarded as having such impairment.

Qualified person with a disability – In regard to health care or social services, a person who meets the essential eligibility requirements for receipt of services. In regard to employment, a person who can perform, with reasonable accommodation, the essential functions of the job in question.

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Reasonable accommodation – An adaptation of the workplace, the equipment, or the job itself which enables an employee with a disability to do a particular job for which he or she is qualified in training and abilities.

Recipient – Any person or organization that receives or benefits from federal financial assistance, either directly from the federal government or indirectly through another recipient.

Undue Hardship – a determination made that reasonable accommodation cannot be accomplished without substantially altering the intent of the program or job, or without excessive financial difficulty on the part of the department.

IV. RESPONSIBILITIES


The Secretary of DSS has the overall responsibility for the policy and program development under Section 504 and the ADA. Responsibility for the coordination, implementation and enforcement has been placed with the DSS Director of the Civil Rights Bureau. He/she has responsibility for assuring that the agency and individuals contracting with the agency comply with Section 504 and the ADA and investigating discrimination under both laws.

DSS will assure that its programs and those of contractors with the agency are accessible to persons with disabilities. DSS will provide auxiliary aids to persons with impaired sensory, manual, or speaking skills where necessary to allow such individuals the opportunity to benefit from the agency's services. DSS will also assure that persons contracting with the agency provide such auxiliary aids.

The office/agency appointing authority or designee has the responsibility to ensure that this policy is posted for full public view in conspicuous places within each office facility.


V. REASONABLE ACCOMMODATIONS

It is the policy of DSS to provide reasonable accommodations for qualified persons with disabilities who are employees or applicants for employment. The agency will adhere to all applicable federal, state, and local laws, regulations, and guidelines with respect to providing reasonable accommodations as required to afford equal employment opportunity to qualified persons with disabilities. Reasonable accommodations will be provided in a timely and cost-effective manner. A person with a disability is qualified if, with reasonable accommodation, he or she is able to perform the essential functions of the job.

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The following practices will be implemented throughout DSS:

1. Employment opportunities shall not be denied to anyone because of the need to make reasonable accommodation to the individual's disability. In considering an individual with a disability for employment or for promotion or in any other personnel action, the existence of his/her disabling condition should not adversely affect a personnel decision.
2. The authority to make reasonable accommodations for applicants or employees is delegated to the office/agency appointing authority or designee.
3. The office/agency appointing authority or designee should analyze jobs within their units to define the essential functions or tasks as well as the environment in which they are performed. Any specific physical requirements should be included in the position description and also noted on job announcements.
4. Recruiters or interviewers shall be trained regarding what inquiries are permissible under the ADA. Under the ADA, an employer may not ask about the existence, nature, or severity of a disability and may not conduct medical examinations until after a conditional job offer is made to the applicant. This prohibition ensures that the applicant's hidden disability is not considered prior to the assessment of the applicant's non-medical qualifications.
5. In considering a person with a disability, it is appropriate to determine the ability of the person to perform the essential functions of the job with reasonable accommodation. It may be appropriate to request medical verification of the disability of the person requesting the accommodation.
6. An employee or applicant may initiate a request for reasonable accommodation orally or in writing. Where an employee or applicant with a disability requires assistance to complete a written request, the agency must provide that assistance.
7. It is the responsibility of the employee or applicant to provide appropriate medical information related to the functional impairment at issue and the requested accommodation where the disability and/or need for accommodation is not obvious.
8. DSS reserves the right to request relevant supplemental medical information if the information does not clearly explain the nature of the disability, or the need for the accommodation, or does not otherwise clarify how to perform the essential functions of the job or to enjoy the benefits and privileges of the workplace.

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9. The time utilized for making decisions regarding the granting or denial of a request for an accommodation should be short as reasonably possible, absent extenuating circumstances. Decisions shall be provided in writing to the employee or applicant. All denials must specify reasons/justifications.
10. Individuals with disabilities shall be afforded the opportunity to provide reasonable accommodations for themselves when a reasonable accommodation would impose undue hardship on the operation of the agency. The individual with a disability shall not be afforded the opportunity to make accommodations which affect a temporary or permanent change to the facilities or which involve restructuring of the agency job in question without written approval from the DSS Secretary and facility owner.
11. The office/agency appointing authority or designee will utilize systems of record keeping to track the processing of requests for reasonable accommodations and maintain confidentiality of information received. All medical information obtained must be kept in files separate from the individual's personnel file.
12. An employee and his or her supervisor shall periodically monitor the effectiveness of the accommodation.
13. The use of informal dispute resolution processes is encouraged to provide employees prompt reconsideration of denials or disagreements regarding requests for job accommodations. If, after the informal dispute process is complete and disagreement remains, the employee may further challenge the decision through use of the [DSS Grievance Procedure \(Policy 4-12\)](#).
14. Nothing in this policy should be construed to impede or prohibit a timely filing of an ADA or discrimination complaint with the appropriate external government agency. This procedure also does not prohibit a timely filing of an internal complaint through the established grievance process regarding any matters unrelated to a request for an accommodation.

No employee or applicant for employment may be excluded from employment actions or otherwise disadvantaged because of a previous request for a reasonable accommodation, whether or not the accommodation was provided.

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VI. COMPLAINTS

Any DSS employee who feels that he/she has been denied reasonable accommodation because of a disability may file a complaint with any or all of the following:

DSS Civil Rights Bureau
P.O. Box 3496
Baton Rouge, LA 70821
(225) 342-2700

Equal Employment Opportunity Commission

[New Orleans District Office](#)

1555 Poydras Street, Suite 1900*

New Orleans, LA ***70112****

***(504) 595-2958 (TTY)**

(800) 669-4000**

[Louisiana Commission on Human Rights](#)

P.O. Box 94094

Baton Rouge, LA 70804

(225) 342-6969

(888) 248-0859 (TDD)

Applicants for employment who believe they have been denied reasonable accommodation in the recruitment process may seek redress through the following:

Equal Employment Opportunity Commission

[New Orleans District Office](#)

1555 Poydras Street, Suite 1900*

New Orleans, LA ***70112****

***(504) 595-2958 (TTY)**

(800) 669-4000**


[Louisiana Commission on Human Rights](#)

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VII. ADDITIONAL RESOURCES

The following resources are available to provide information and guidance in considering requests for reasonable accommodations:

Job Accommodation Network (JAN)

(800) 526-7234 (voice)

*(877) 781-9403 (TTY)**

www.jan.wvu.edu

Louisiana Rehabilitation Services

Registry of Interpreters for the Deaf

(800) 256-1523 v/TDD (within State of Louisiana only)

Louisiana Rehabilitation Services

Blind Services

(225) *219-2943**

(800) 737-2958 (within State of Louisiana only)

Louisiana Rehabilitation Services

Louisiana Commission for the Deaf

(225) *219-2404** v/TDD

(800) 256-1523 v/TDD (within State of Louisiana only)

U.S. Department of Justice

ADA Information Line

(800) 514-0301 (v)

(800) 514-0383 (TDD)

<http://www.usdoj.gov/crt/ada/adahom1.htm>